

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY J. RYAN and
CHRISTINE A. RYAN,

Plaintiffs,

Case No. 1:03-cv-439

v.

HON. DAVID W. McKEAGUE

ADELE MCGINN-LOOMIS and
MARY BENEDICT,

Defendants.

**ORDER DENYING MOTIONS TO DISMISS AND
AMENDING BRIEFING SCHEDULE**

Defendants Adele McGinn-Loomis and Mary Benedict having each filed a motion to dismiss plaintiffs' complaint against them (docket ##12 and 16); and

The Court having conducted a hearing on the motions on November 24, 2003, and having then taken the motions under advisement pending limited discovery and supplemental briefing; and

Plaintiffs having subsequently amended their complaint so as to reorganize and more clearly state their claims against defendants under 42 U.S.C. § 1983; and

The original complaint attacked by defendants' motions to dismiss having thus been superseded by the amended complaint, and the original motions to dismiss having thus been rendered at least partially obsolete; and

Defendants having each, in a one-sentence pleading, responded to the amended complaint by reasserting their original motions to dismiss (docket ## 45 and 50); and

The Court now finding it advantageous to require defendants to reformulate their dispositive motions, which address matters outside the pleadings, as motions for summary judgment directed to the amended complaint, instead of merely supplementing their original briefing; now therefore,

IT IS HEREBY ORDERED that defendants' motions to dismiss (docket ##12 and 16), as reasserted (docket ##45 and 50) are **DISMISSED without prejudice**; and

IT IS FURTHER ORDERED, consistent with the January 30, 2004 order of Magistrate Judge Joseph G. Scoville, that the limited discovery authorized shall be completed by **March 15, 2004**; and

IT IS FURTHER ORDERED that defendants shall file their anticipated motions for summary judgment directed to the amended complaint not later than **March 29, 2004**; plaintiffs shall file their responses thereto not later than **April 19, 2004**; and defendants shall file their reply briefs not later than **April 29, 2004**; and oral arguments on the motions shall be heard as previously scheduled on **May 10, 2004 at 10:00 a.m.**

Dated: February 4, 2003

/s/ David W. McKeague
DAVID W. McKEAGUE
UNITED STATES DISTRICT COURT